

AMENDMENT TO PROVISIONAL REGULATIONS

Issued Under the
GOLD RESERVE ACT OF 1934

The Provisional Regulations issued under the Gold Reserve Act of 1934, as amended, are hereby further amended effective January 1, 1936, in the following respects:

The following section is added after section 8:

"Sec. 8a. Certificates with respect to Imported Gold.-- Collectors of Customs shall, upon receipt of instructions issued from time to time by the Secretary of the Treasury with the approval of the President, refuse entry into the continental United States of gold in the form and condition described in such instructions, which is exported from the country or countries specified in such instructions, unless there is filed with the Collector of Customs at the port of entry a certificate duly certified by an officer of the country from which the gold is exported to the effect that such gold was or may be lawfully exported from such country."

The following section is added after section 16:

"Sec. 16a. Business names and representations generally.-- No person doing business under a name which is designed or is likely to induce the belief that gold is being purchased, treated, or sold on behalf of the United States, or for the purpose of carrying out any policy of the United States, or making representations or statements which might induce the belief that such person is acting or is especially privileged to act on behalf of or for the United States, or is purchasing, treating, or selling gold for the United States, or in any way dealing in gold for the purpose of carrying out any policy of the United States, may acquire, transport, melt or treat, import, export or earmark or hold in custody for foreign or domestic account any gold under authority of article II or III of these regulations."

The following is added at the end of paragraph (2) of section 16:

"And provided further, That fabricated gold of which not more than 80 per cent of the total value is attributable to the gold content thereof may be exported or transported from the continental United States without the necessity of filing such affidavit or obtaining an export license."

Section 18 is amended to read as follows:

"Sec. 18. Unmelted scrap gold.--Unmelted scrap gold (such as old jewelry, watch cases, optical frames, dental crowns and bridges, and the like, which have not been melted, but not including filings, clippings, pieces, and the like) may be acquired, transported within the United States, imported, or held in custody for domestic account in amounts not exceeding at any one time 35 troy ounces of fine gold without the necessity of holding a license therefor: Provided, however, That no gold which has been held at any time in noncompliance with the act of March 9, 1933, any Executive orders or orders of the Secretary of the Treasury issued thereunder, or in noncompliance with the regulations prescribed under such orders or licenses issued pursuant thereto, or which has been acquired and held, transported, melted or treated, imported, exported, earmarked, or held in custody in violation of the Act or of regulations issued thereunder, including these regulations, or any licenses issued pursuant thereto, may be acquired, transported within the United States, imported, or held in custody for domestic account under authority of this section.

"Persons holding licenses on form TGL-12, TGL-13, or TGL-14, or acquiring, transporting, importing or holding gold pursuant to section 21 of these regulations, may not acquire, transport, import or hold any gold under authority of this section."

Section 21 is amended to read as follows:

"Sec. 21. Thirty-five-ounce Exemption.--Any person regularly engaged in an industry, profession, or art, who requires gold for legitimate, customary, and ordinary use therein may import unmelted scrap gold, and may acquire from the sources enumerated below gold in any form and may

hold, transport, and melt and treat gold in any form which has been so acquired or imported or which is lawfully held by such person, for the purposes specified in subdivisions A and B below, without the necessity of obtaining a license therefor, provided the aggregate amount of such gold does not exceed at any one time *35 troy ounces of fine gold:

- A. In any form, for fabrication or use by such person in the industry, profession, or art in which he is engaged;
- B. In the form of unmelted scrap, for furnishing in unmelted form to persons authorized under these regulations or licenses issued pursuant hereto to acquire unmelted scrap gold, or for offering in unmelted form for sale to the United States.

Such persons are authorized under this section to acquire, for the purposes enumerated above, only gold which is --

- (1) held by a person authorized to hold it in such form and amount under a license on form TGL-12 or TGL-13;
- (2) held by a person authorized to hold and dispose of it in such form and amount under a license on form TGL-14;
- (3) held by a person who, under these regulations, is authorized to hold and dispose of such gold in such form and amount without a license; or
- (4) offered for sale by a United States mint or assay office.

"Persons acquiring, holding, transporting, melting, treating, or importing gold under authority of this section are not authorized --

- (1) to sell or otherwise dispose of gold, except in the form of unmelted scrap gold (as provided in subdivision B above), fabricated gold, metals containing not more than 5 troy ounces of fine

* The amount which may thus be acquired, held, transported or imported is in addition to gold which may be acquired, held, transported and imported without a license under any section of these regulations other than section 18.

gold per short ton, or gold in its natural state: Provided, however, That gold filings, clippings and the like, which are not acquired by any such person in such form, but which accrue directly from, and as a result of, the legitimate, customary, and ordinary conduct of the industry, profession, or art in which such person is engaged, may be disposed of in that form to persons who are authorized under licenses issued pursuant to these regulations to acquire such gold, or may be offered in that form for sale to the United States;

- (2) to acquire, hold, transport, melt or treat, or import gold coin or gold derived by any person from gold coin or any gold which has been held at any time in noncompliance with the act of March 9, 1933, any Executive orders or orders of the Secretary of the Treasury issued thereunder, or in noncompliance with the regulations prescribed under such orders or licenses issued pursuant thereto, or which has been acquired and held, transported, melted or treated, imported, exported, or held in custody in violation of the Act or of regulations issued thereunder including these regulations or any licenses issued pursuant thereto.

"Persons holding licenses on form TGL-12, TGL-13, or TGL-14, or acquiring, transporting, importing, or holding gold pursuant to section 18 of these regulations may not acquire, hold, transport, import, or melt or treat any gold under authority of this section."

Section 26 is amended to read as follows:

"Sec. 26. Records.--Every person holding a license issued pursuant to section 23 shall keep exact records of all his acquisitions and deliveries of gold. His records shall contain the name, address, and license number of each person from whom he acquires, or to whom he delivers, gold (other than fabricated gold) and shall show the amount, date, and description of each such acquisition and delivery, and such records shall be available for examination by a representative of the Treasury Department for at least 1 year after the date of the disposition of such gold. If the person from whom such gold is acquired, or to whom such gold is delivered, does not have a license such records shall show, in lieu of the license number of such person,

the section of these regulations pursuant to which such gold was held or acquired by such person."

Section 27 is amended to read as follows:

"Sec. 27. Reports.--Every person holding a license on form TGL-12, TGL-13, or TGL-14 shall make quarterly reports on form TGR-12, TGR-13, or TGR-14, respectively, for the quarterly periods ending on the last days of January, April, July, and October, respectively, and shall file such reports with the Director of the Mint, Washington, D. C. Reports on form TGR-12 and TGR-14 shall be filed within 15 days, and reports on form TGR-13 shall be filed within 25 days, after the termination of the quarterly period for which such reports are made."

The first sentence of section 33 is amended to read as follows:

"Gold may be imported, and transported for prompt export, ~~and~~ exported, without the necessity of holding a license, provided the gold is exported promptly and remains under customs custody throughout the period during which it is within the customs limits of the United States."

Section 36 is amended to read as follows:

"Sec. 36. Deposits.--Deposits of gold described in section 35 and rulings issued thereunder will be received in amounts of not less than 1 troy ounce of fine gold when deposited in the following forms: nuggets, grains, and dust which are in their native state free from earth and stone, or nearly so, retort sponge, lumps, unmelted scrap, coins, bars, kings, buttons, and filings, clippings, pieces, and the like. Deposits of gold shall not contain less than 200 parts of gold in 1,000 by assay. In the case of gold forwarded to a mint by mail or express, a letter of transmittal shall be sent with each package. When there is a material discrepancy between the actual and invoice weights of a deposit, further action in regard to it will be deferred pending communication with the depositor."

Section 43 is amended to read as follows:

"Sec. 43. Each mint is authorized to sell gold to persons holding licenses on form TGL-13 or TGL-14, or to

persons authorized under section 21 of these regulations to acquire such gold for use in industry, profession, or art: Provided, however, That no mint may sell gold to any person in an amount which, in the opinion of such mint, exceeds the amount actually required by such person for a period of 3 months. Prior to the sale of any gold under this article, the mint shall require the purchaser to execute and file in duplicate an affidavit on form TG-24, or, if such purchaser is in the business of furnishing gold for use in industries, professions, and arts, on form TG-25. The mints are authorized to refuse to sell gold in amounts less than 25 ounces, and shall not sell gold under the provisions of this article to any person who has failed to comply with these regulations or the terms of his license."

Section 44 is amended to read as follows:

"Sec. 44. Sale price.--The mints shall charge for all gold sold under this article \$35.00 (plus one-fourth of 1 per cent) per troy ounce of fine gold plus the regular mint charges. This price may be changed by the Secretary of the Treasury without notice other than by notice of such change mailed or telegraphed to the mints."

T. J. COOLIDGE,
Acting Secretary of the Treasury.

Approved:

FRANKLIN D. ROOSEVELT
The White House

December 24, 1935.